

JANIE S. ZAICEK §
§
VS. § ACTION NO. 4:09-CV-069-Y
§
MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY §

The Court has made an independent review of the following matters
in the above-styled and numbered cause:

- Plaintiff makes similar arguments in her objections that were addressed in detail in the magistrate judge's findings. This Court, after de novo review, concludes that the Commissioner's decision should be affirmed, largely for the reasons articulated by the magistrate judge. The Court further concludes, however, that Plaintiff's contention that the ALJ failed to properly apply the severity standard as required under *Stone v. Heckler*, 752 F.2d 1099 (5th Cir. 1985), lacks merit due to the fact that the ALJ concluded that Plaintiff's impairments were severe and took them into consideration in reaching his decision. See *Stone v. Astrue*, No. 4:08-CV-598-A, 2010 WL 2164414, at *2 (N.D. Tex. 2010) (noting that decision in *Heckler* is inapplicable where ALJ concludes that

claimant's impairments are severe and proceeds past the second step of the sequential evaluation process).

It is ORDERED that the findings, conclusions, and recommendation of the magistrate judge should be and are hereby ADOPTED. The decision of the Commissioner is AFFIRMED.

SIGNED August 26, 2010.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE